

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, DECEMBER 28, 2005
AT 7:00 P.M.

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MICHIGAN 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR
MARIE MALBURG, TREASURER
TRUSTEES: DINO F. BUCCI, JR.
JANET DUNN
ROGER KRZEMINSKI
NANCY NEVERS

ABSENT: MICHAEL D. KOEHS, CLERK

Also in attendance: Lawrence W. Dloski, Township Attorney
James Gelios, Township Deputy Clerk
Jerome R. Schmeiser, Community Planning Consultant
Michael Badamo, Township Engineer of Spalding DeDecker
& Associates. (Additional attendance record on file with
Clerk)

Call Meeting to Order

Supervisor BRENNAN called the meeting to order at 7:00 p.m.

Pledge of Allegiance

1. Roll Call

Deputy Clerk James Gelios called the Roll Call. Clerk KOEHS absent.

MOTION by KRZEMINSKI seconded by BUCCI to refrain from calling the name of Michael D. Koehs, Macomb Township Clerk, from all future motions and Roll Call votes.

MOTION carried.

2. Approval of Agenda Items (with any corrections)

MOTION by BUCCI seconded by MALBURG to approve the amended agenda as discussed.

MOTION carried.

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3. Plante and Moran Annual Audit Report

Mark Hurst, representative on behalf of Plante and Moran, indicated that a detailed report was submitted to the Board of Trustees for their review and opened it up to the Board for any questions and/or concerns. The annual audit was completed successfully and commended the Township for their staff assistance.

Public Portion: None

MOTION by KRZEMINSKI seconded by DUNN to receive and file the Township's annual 2005 audit report as submitted.

MOTION carried.

4. Approval of the Bills

MOTION by KRZEMINSKI seconded by NEVERS to approve the bills as submitted.

MOTION carried.

5. Approval of the December 14, 2005 previous Meeting Minutes

MOTION by DUNN seconded by MALBURG to approve the meeting minutes of December 14, 2005 as revised.

MOTION carried.

6. Consent Agenda Items:

6A. Clerks Department:

1. Release of Wall Sign Bond; Sec. 20; Great Clips for Hair
2. Release of Temp Sales Trailer Bond; Site Plan; Sec. 7; Gateway Village Estates
3. Release of Temp Sales Trailer Bond; Site Plan; Sec. 23; The River Estates
4. Release of Landscape Bond; Sec. 25; Golfview Estates Subdivision
5. Release of Landscape Bond; Site Plan; Sec. 6 Breton Woods Site Condominiums
6. Partial Release of Site Plan Bond; Sec. 17; Regency Commerce Center - Unit 21

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7. Release of Site Plan Bond; Sec. 17; The Shoppes at Cobblestone
 8. Release of Wall Sign Bond; Sec. 20; All Star Wireless
- 6B. Department Monthly Reports:
1. Macomb County Sheriffs Department
 2. Building Department
 3. Fire Department
 4. Parks and Recreation Department
 5. Water/Sewer Department

MOTION by DUNN seconded by NEVERS to approve the consent agenda items as submitted.

MOTION carried.

7. Public Comments (Non Agenda items only - 3 minute time limit) - None

PUBLIC HEARING:

8. **Request to Adopt the Resolution to create the Special Assessment District for Street Lighting for Clearstone Subdivision;** Located on the southwest corner of 26 Mile and Luchtman Roads; Salvatore DiMercurio & Frank Karam, Petitioners. Permanent Parcel No. 08-05-200-011. **(Tabled from the December 14, 2005 Board of Trustees Meeting)**

Supervisor BRENNAN opened the public hearing at 7:07 p.m. and reviewed the request and recommended approval.

Public Portion: None

MOTION by BUCCI seconded by KRZEMINSKI to close the public hearing at 7:09 p.m.

MOTION carried.

MOTION by BUCCI seconded by KRZEMINSKI to adopt the following resolution to create the Special Assessment District for Street Lighting for Clearstone Subdivision; Permanent Parcel No. 08-05-200-011. The resolution is as follows:

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**Street Lighting Clearstone Subdivision
RESOLUTION ORDERING ESTABLISHMENT
OF STREET LIGHTING DISTRICT**

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on December 28, 2005, at 7:00 P.M., Eastern Standard Time.

PRESENT: John D. Brennan, Marie E. Malburg, Janet Dunn, Dino F. Bucci, Jr., Roger Krzeminski, Nancy Nevers

ABSENT: Michael D. Koehs

The following preamble and resolution were offered by Member BUCCI and supported by Member KRZEMINSKI.

WHEREAS, pursuant to 1989 PA 80 (the "Act"), the Township Board is empowered to establish a Special Assessment for the installation and maintenance of street lighting on its motion or upon the submission of petitions as prescribed in the Act; and

WHEREAS, the Township Board has determined that the installation of a street light or lights illuminating street serving lands described in Exhibit "A" is necessary to preserve the public health; and

WHEREAS, the Township Board desires to establish a Special Assessment District obligating the benefited owners to pay for the cost of installation and operation of street lighting; and

WHEREAS, a public hearing for the establishment of a Special Assessment District for street lighting was held coincident with this meeting and was prefaced by published and mailed notice as required by the Act and 1962 PA 162.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:

- 1. It is hereby directed that a street light or lights shall be installed at Clearstone Subdivision, which will illuminate streets, serving and benefiting the lot(s) and/or parcel(s) of land described in Exhibit "A".**
- 2. A Special Assessment District consisting of the lot(s) and parcel(s) described in Exhibit "A" is hereby established and the cost for installation of said street lights(s) and all future electrical service be levied against the**

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parcel(s) and/or lot(s) so described in direct proportion to the benefit conferred.

3. The annual electrical service charge is Six Thousand Three Hundred Forty dollars and 46/100 (\$6,340.46). Three times the annual cost is Nineteen Thousand Twenty One dollars and 38/100 (\$19,021.38). Total project cost is Sixty Three Thousand One Hundred Seventy Two dollars and 60/100 (\$63,172.60). The petitioner contribution amount is Forty Four Thousand One Hundred Fifty One dollars and 22/100 (\$44,151.22). The Townships at large contribution is zero dollars and 00/100 (\$0.00).

4. The Township Board shall hereafter annually determine the amount to be assessed in the district for lighting and shall direct the assessor to levy this amount. The assessment may be made either in a special assessment roll or in a column provided in the regular tax roll. The assessment shall be spread and become due and be collected at the same time as the other Township taxes are assessed, levied and collected and shall be returned in the same manner for nonpayment.

AYES: BUCCI, KRZEMINSKI, NEVERS, DUNN, MALBURG & BRENNAN.

NAYS: NONE

ABSENT: KOEHS

MICHAEL D. KOEHS, CMC
MACOMB TOWNSHIP CLERK

RESOLUTION DECLARED ADOPTED.

9. **Request to Adopt the Resolution to create the Special Assessment District for Street Lighting for Westminister Subdivision Phase I;** Located north of 22 Mile Road and ¼ Mile east of Hayes Road. Grand Sakwa Properties, Petitioner. Permanent Parcel No. 08-19-200-012.

Supervisor BRENNAN opened the public hearing at 7:11 p.m. and reviewed the request and recommended approval.

Public Portion: None

MOTION by DUNN seconded by NEVERS to close the public hearing at 7:12 p.m.

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MOTION carried.

MOTION by DUNN seconded by MALBURG to adopt the following resolution to create the Special Assessment District for Street Lighting for Westminister Subdivision Phase I. Permanent Parcel No. 08-19-200-012. The resolution is as follows:

**Street Lighting Westminister Subdivision Phase 1
RESOLUTION ORDERING ESTABLISHMENT
OF STREET LIGHTING DISTRICT**

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on December 28, 2005, at 7:00 P.M., Eastern Standard Time.

PRESENT: John D. Brennan, Marie E. Malburg, Janet Dunn, Dino F. Bucci, Jr., Roger Krzeminski, Nancy Nevers

ABSENT: Michael D. Koehs

The following preamble and resolution were offered by Member DUNN and supported by Member MALBURG.

WHEREAS, pursuant to 1989 PA 80 (the "Act"), the Township Board is empowered to establish a Special Assessment for the installation and maintenance of street lighting on its motion or upon the submission of petitions as prescribed in the Act; and

WHEREAS, the Township Board has determined that the installation of a street light or lights illuminating street serving lands described in Exhibit "A" is necessary to preserve the public health; and

WHEREAS, the Township Board desires to establish a Special Assessment District obligating the benefited owners to pay for the cost of installation and operation of street lighting; and

WHEREAS, a public hearing for the establishment of a Special Assessment District for street lighting was held coincident with this meeting and was prefaced by published and mailed notice as required by the Act and 1962 PA 162.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:

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1. It is hereby directed that a street light or lights shall be installed at Westminister Subdivision Phase 1, which will illuminate streets, serving and benefiting the lot(s) and/or parcel(s) of land described in Exhibit "A".

2. A Special Assessment District consisting of the lot(s) and parcel(s) described in Exhibit "A" is hereby established and the cost for installation of said street lights(s) and all future electrical service be levied against the parcel(s) and/or lot(s) so described in direct proportion to the benefit conferred.

3. The annual electrical service charge is Seventeen Thousand Eight Hundred Fifty Seven dollars and 06/100 (\$17,857.06). Three times the annual cost is Fifty Three Thousand Five Hundred Seventy One dollars and 17/100 (\$53,571.17). Total project cost is One Hundred Eighty Two Thousand Five Hundred Fourteen dollars and 18/100 (\$182,514.18). The petitioner contribution amount is One Hundred Twenty Eight Thousand Nine Hundred Forty Two dollars and 99/100 (\$128,942.99). The Townships at large contribution is zero dollars and 00/100 (\$0.00).

4. The Township Board shall hereafter annually determine the amount to be assessed in the district for lighting and shall direct the assessor to levy this amount. The assessment may be made either in a special assessment roll or in a column provided in the regular tax roll. The assessment shall be spread and become due and be collected at the same time as the other Township taxes are assessed, levied and collected and shall be returned in the same manner for nonpayment.

AYES: DUNN, MALBURG, BUCCI, KRZEMINSKI, NEVERS & BRENNAN.

NAYS: NONE

ABSENT: KOEHS

MICHAEL D. KOEHS, CMC
MACOMB TOWNSHIP CLERK

RESOLUTION DECLARED ADOPTED.

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10. **Request to Adopt the Resolution to create the Special Assessment District for Street Lighting for Gloede Park Subdivision;** Located on the northwest corner of 21 Mile Road and Garfield Road (excluding the immediate corner); John Cavaliere, Petitioner. Permanent Parcel No. 08-30-400-020.

Supervisor BRENNAN opened the public hearing at 7:13 p.m. and reviewed the request and recommended approval.

Public Portion: None

MOTION by KRZEMINSKI seconded by MALBURG to close the public hearing at 7:13 p.m.

MOTION carried.

MOTION by KRZEMINSKI seconded by MALBURG to adopt the following resolution to create the Special Assessment District for Street Lighting for Gloede Park Subdivision. Permanent Parcel No. 08-30-400-020. The resolution is as follows:

**Street Lighting Gloede Park Estates Subdivision
RESOLUTION ORDERING ESTABLISHMENT
OF STREET LIGHTING DISTRICT**

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on December 28, 2005, at 7:00 P.M., Eastern Standard Time.

PRESENT: John D. Brennan, Marie E. Malburg, Janet Dunn, Dino F. Bucci, Jr., Roger Krzeminski, Nancy Nevers.

ABSENT: Michael D. Koehs

The following preamble and resolution were offered by Member KRZEMINSKI and supported by Member MALBURG.

WHEREAS, pursuant to 1989 PA 80 (the "Act"), the Township Board is empowered to establish a Special Assessment for the installation and maintenance of street lighting on its motion or upon the submission of petitions as prescribed in the Act; and

WHEREAS, the Township Board has determined that the installation of a street light or lights illuminating street serving lands described in Exhibit "A" is necessary to preserve the public health; and

WHEREAS, the Township Board desires to establish a Special Assessment District obligating the benefited owners to pay for the cost of installation and operation of street lighting; and

WHEREAS, a public hearing for the establishment of a Special Assessment District for street lighting was held coincident with this meeting and was prefaced by published and mailed notice as required by the Act and 1962 PA 162.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:

1. It is hereby directed that a street light or lights shall be installed at Gloede Park Estates Subdivision, which will illuminate streets, serving and benefiting the lot(s) and/or parcel(s) of land described in Exhibit "A".

2. A Special Assessment District consisting of the lot(s) and parcel(s) described in Exhibit "A" is hereby established and the cost for installation of said street lights(s) and all future electrical service be levied against the parcel(s) and/or lot(s) so described in direct proportion to the benefit conferred.

3. The annual electrical service charge is Three Thousand Eight Hundred Seventy dollars and 00/100 (\$3,870.00). Three times the annual cost is Eleven Thousand Six Hundred Ten dollars and 00/100 (\$11,610.00). Total project cost is Forty Six Thousand Five Hundred Thirteen dollars and 00/100 (\$46,513.00). The petitioner contribution amount is Thirty Four Thousand Nine Hundred Three dollars and 00/100 (\$34,903.00). The Townships at large contribution is zero dollars and 00/100 (\$0.00).

4. The Township Board shall hereafter annually determine the amount to be assessed in the district for lighting and shall direct the assessor to levy this amount. The assessment may be made either in a special assessment roll or in a column provided in the regular tax roll. The assessment shall be spread and become due and be collected at the same time as the other Township taxes are assessed, levied and collected and shall be returned in the same manner for nonpayment.

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**AYES: KRZEMINSKI, MALBURG, BUCCI, DUNN, NEVERS &
BRENNAN.**

NAYS: NONE

ABSENT: KOEHS

**MICHAEL D. KOEHS, CMC
MACOMB TOWNSHIP CLERK**

RESOLUTION DECLARED ADOPTED.

11. Proposed Zoning Ordinance Amendments:

- §10.0344 - alternate wall forms
- §10.2405 - (§ I) remove signature requirement on Notices of Variance
- §10.0503 - (§ III) remove reference to Planned Unit Development (PUD)
- §10.0603 - (§ III) remove reference to Planned Unit Development (PUD)
- §10.0604 - amending lot area
- §10.0704 - amending lot area

Supervisor BRENNAN opened the public hearing at 7:14 p.m.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the amendments to the Township Zoning Ordinance.

Public Portion: None

MOTION by MALBURG seconded by KRZEMINSKI to close the public hearing at 7:17 p.m.

MOTION carried.

MOTION by KRZEMINSKI seconded by DUNN to adopt the Proposed Zoning Ordinance Amendments specifically relating to sections: §10.0344 - alternate wall forms, §10.2405 - (§ I) remove signature requirement on Notices of Variance, §10.0503 - (§ III) remove reference to Planned Unit Development (PUD), §10.0603 - (§ III) remove reference to Planned Unit Development (PUD), §10.0604 - amending lot area and 10.0704 - amending lot area. The amendments are as follows:

Sec. 10.0344 Wall Construction- Amend the paragraph to permit “stone textured poured concrete” as a substitute for and equally acceptable as brick or brick embossed poured concrete.

The amended language inserts “stone textured poured concrete” into the paragraph. The proposed language would allow for a “stone textured poured concrete wall” to be constructed on the site. The undersigned supports the use of “stone textured poured concrete” as a viable option to poured brick embossed concrete as a screening devise. The determination of the type of poured wall, however, be it brick embossed or stone textured should be made by the Planning Commission at the public hearing. The proposed language then should be amended to add the following sentence: “The Planning Commission shall determine the type of masonry wall to be constructed on site at the public hearing.”

Sec. 10.0503 and Sec. 10.0603 Special Land uses permitted in the R-1-S and R-1-E Districts. Amend the Sections to delete the paragraphs referring to Planned Unit Development (PUD).

The ordinance as written makes reference to Planned Unit Development as a use permitted by Special Land Use procedures in both the R-1-S and R-1-E Districts. It should be noted that this is an obvious omission in the Ordinance. The Township Board voted in 2001 to repeal PUD provisions from Sec. 10.0705 (R-1 Urban One-Family Residential District). Sec. 10.0705 was a separate section of the R-1 District that contained the development standards for PUD proposals. There is no rational basis for listing PUD as a permitted ‘Special Land Use’ when the development standards that must be attached as part of a special land use approval have been repealed by the Township Board. The repeal or deletion of the two paragraphs referenced above will complete the intent of the previous amendment.

Sec. 10.0604 Site limitations-Minimum lot area would be revised to require that the density for development within the R-1-E District comport with the Master Plan designation of 2 Units or less per acre.

The R-1-E District is the residential zoning district within the Township Zoning Ordinance that is intended to be in line with the Master Plan residential density designation of 2 Units per acre. The amendments as proposed to Sec. 10.0604 A would make the regulations more in line with the intent of the Master Plan. The amendments as proposed within this paragraph are as follows:

- Where no public water and sanitary sewer are available to the site, the lot area would be increased from 30,000 sq. ft. to 40,000 sq. ft. This increase is necessary to meet the size of an engineered field based on current County Health Department standards.

- Where public sanitary sewer is available to the site the lot area would be increased from 20,000 sq. ft. to 21,780 sq. ft. The 21,780 figure amounts to one-half acre. Therefore, 21,780 sq. ft. is the minimum lot size that could be used if a split or division is made under these terms.
- Where both public water and sanitary sewer are available to the site, the lot frontage would be increased from 80 ft to 100 ft. One hundred feet frontage lots with 150 ft. depth are more reasonable dimensions to meet the 15,000 sq. ft. minimum for the R-1-E District than 80 ft. x 188 ft. as currently written. Further, there should be a greater distinction between the R-1 and R-1-E in terms of lot frontage than just 10 feet.
- The final sentence of the paragraph adds the language that in effect sums up the intent of the amendment; that the lot yield shall not exceed two units per acre.

Sec. 10.0704 Site limitations-Minimum lot area would be revised to require that the density for development within the R-1 District comport with the Master Plan designation of 3 Units or less per acre.

The R-1-C District is the residential zoning district within the Township Zoning Ordinance that is intended to be in line with the Master Plan residential density designation of 3 Units per acre. The amendments as proposed to Sec. 10.704 A. would make the regulations more in line with the intent of the Master Plan. The amendments as proposed within this paragraph are as follows:

- Where no public water and sanitary sewer are available to the site, the lot area would be increased from 30,000 sq. ft. to 40,000 sq. ft. This increase is necessary to meet the size of an engineered field based on current County Health Department standards.
- Where no public water and sanitary sewer are available to the site the width of the parcel would increase from 100 ft. to 116 ft. Based on a minimum lot size of 40,000 sq. ft and a ratio of depth not to exceed three times the width; 116 ft. x 348 ft. are the dimensions necessary to come closest to the minimum lot size while meeting the 3:1 ratio.
- Where only sanitary sewer is available the lot area would be reduced from 20,000 sq. ft. to 14,520 sq. ft. which is one-third

of an acre. Since the Master Plan guideline is based on 3 units per acre the minimum lot size in the R-1 District should be in line with that goal. The minimum depth dimension is recommended to be changed from 150 ft. to 140 ft. The 140 ft. dimension is consistent with the dimension that is used in the R- 1 District for lots backing to a major road.

- Where both public water and sanitary sewer are available to the site the lot area would remain as written. The only change with respect to the minimum dimensions required for the R-1 District would apply to the depth required where rear lots lines abuts a public road right-of-way. The ordinance as written requires a minimum depth of 150 ft. and the recommended dimension is now 140 ft.
- The final sentence of the paragraph adds the language that in effect sums up the intent of the amendment; that the lot yield shall not exceed three units per acre.

Sec. 10.2405 I. Variance Review Procedures.

As written, the paragraph requires the record owner of the property to sign the Notice of Variance for recording with the County Register of Deeds. The amendment would allow the matter to proceed to the Register of Deeds based on the minutes of the Zoning Board of Appeals without any required signatures from property owners. There is no statutory requirement that the property sign such a form and the requirement as written has been found to be an unnecessary burden to the effective administration of the Zoning Boards decisions.

MOTION carried.

PLANNING COMMISSION:

12. **Land Division Variance Request; Section 17-145- (Street Lighting Agreement); Breton Woods Site Condominiums;** Located on the northeast corner of 25 Mile Road and Hayes Road (excluding the immediate corner) Elro Corporation, Petitioner. Permanent Parcel No. 08-06-300-034

Supervisor BRENNAN reviewed the request.

Petitioner Present: Daniel S. Spatafora

Public Portion: None

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MOTION by KRZEMINSKI seconded by BUCCI to approve the Land Division Variance Request; Section 17-145 - be varied to allow the developer to obtain building permits prior to execution of the contract and completion of street lighting installation for Breton Woods Site Condominiums; Permanent Parcel No. 08-06-300-034.

MOTION carried.

13. **Preliminary Plan; Stillwater Crossing Site Condominiums;** Located between 23 and 24 Mile Roads, approximately ¼ mile west of the Township line; Elro Corporation, Petitioner. Permanent Parcel Nos. 08-13-200-028 A & B.

Jerome R. Schmeiser, Community Planning Consultant, recommended that the preliminary plan for the Stillwater Crossing site condominiums be approved pursuant to the standard conditions of the Township.

Petitioner Present: Daniel S. Spatafora

Public Portion: None

MOTION by DUNN seconded by NEVERS to approve the Preliminary Plan; Stillwater Crossing Site Condominiums subject to the standard conditions of the Township as they apply to this proposal. Permanent Parcel Nos. 08-13-200-028 A & B.

MOTION carried.

14. **Final Preliminary Plat; Wellington Estates Subdivision;** Located on the south side of 24 Mile Road 1 ¼ mile east of Romeo Plank Road. Elro Corporation, Petitioner. Permanent Parcel No. 08-16-100-021.

Jerome R. Schmeiser, Community Planning Consultant, recommended that the final preliminary plat for the Wellington Estates Subdivision be approved pursuant to the standard conditions of the Township.

Petitioner Present: Daniel S. Spatafora

Public Portion: None

MOTION by BUCCI seconded by MALBURG to approve the Final Preliminary Plat; Wellington Estates Subdivision subject to the standard conditions of

the Township as they apply to this proposal. Permanent Parcel No. 08-16-100-021.

MOTION carried.

15. **Land Division Variance Request; Section 17.140 – Landscape Easement be varied to June 1, 2006 in order to permit the processing of the (Final Plat). Westminister Subdivision # 1;** Located on the north side of 22 Mile Road approximately ½ east of Hayes Road. Pulte Land Company, Petitioner. Permanent Parcel No. 08-19-200-012

Jerome R. Schmeiser, Community Planning Consultant, reviewed the petitioner's request for a variance from the Land Division Ordinance for Westminister Subdivision #1. The request is for an extension of time to install the required plant materials until the spring because of the upcoming winter months.

Petitioner Present: Kevin Christiansen

Public Portion: None

MOTION by DUNN seconded by NEVERS to approve the Land Division Variance Request; Section 17.140 – To allow the Landscape Easement to be varied to June 1, 2006 in order to permit the processing of the Final Plat for Westminister Subdivision # 1 Permanent Parcel No. 08-19-200-012.

MOTION carried.

16. **Land Division Variance Request; Section 17.114 – Landscape Easement requirement be varied to June 1, 2006 in order to permit the issuance of (Building Permits); Westminister Subdivision # 1;** Located on the north side of 22 Mile Road approximately ½ mile north of 22 Mile Road. Pulte Land Company, Petitioner. Permanent Parcel No. 08-19-200-012.

Supervisor BRENNAN mentioned that the opinion of the Township Attorney is that the initial variances (Shown as agenda item numbers 15 & 17) are the only variances required.

Further, agenda item numbers 16 & 18 are not required.

This matter was deleted from the agenda.

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17. **Land Division Variance Request; Section 17.140 – Landscape Easement be varied to June 1, 2006 in order to permit the processing of the (Final Plat); Westminister Subdivision # 2;** Located on the north side of 22 Mile Road approximately ½ mile north of 22 Mile Road. Pulte Land Company, Petitioner. Permanent Parcel No. 08-19-200-012.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the petitioner's request for a variance from the Land Division Ordinance for Westminister Subdivision #2. The request is for an extension to install the required plant materials until the spring because of the upcoming winter months.

Petitioner Present: Kevin Christiansen

Public Portion: None

MOTION by KRZEMINSKI seconded by BUCCI to approve the Land Division Variance Request; Section 17.140 – Landscape Easement be varied to June 1, 2006 in order to permit the processing of the Final Plat; Westminister Subdivision # 2 Permanent Parcel No. 08-19-200-012.

MOTION carried.

18. **Land Division Variance Request; Section 17.114- Landscape Easement requirement be varied to June 1, 2006 in order to permit the issuance of (Building Permits) – Westminister Subdivision # 2;** Located on the north side of 22 Mile Road, approximately ½ mile north of 22 Mile Road. Pulte Land Company, Petitioner. Permanent Parcel No. 08-19-200-012.

Supervisor BRENNAN mentioned that the opinion of the Township Attorney is that the initial variances (Shown as agenda item numbers 15 & 17) are the only variances required.

Further, agenda item numbers 16 & 18 are not required.

This matter was deleted from the agenda.

19. **Final Plat; Westminister Subdivision #1;** Located on the north side of 22 Mile Road approximately ½ east of Hayes Road. Pulte Land Company, Petitioner. Permanent Parcel No. 08-19-200-012

Jerome R. Schmeiser, Community Planning Consultant, recommended that the final plat for Westminister Subdivision #1 be approved pursuant to the standard conditions of the Township.

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Petitioner Present: Kevin Christiansen

Public Portion: None

MOTION by KRZEMINSKI seconded by DUNN to approve the Final Plat; Westminister Subdivision #1 and direct the Township Clerk to sign the mylar. This approval is subject to the standard conditions of the Township as they apply to this proposal. Permanent Parcel No. 08-19-200-012

MOTION carried.

20. **Final Plat; Westminister Subdivision # 2;** Located on the north side of 22 Mile Road approximately ½ mile north of 22 Mile Road. Pulte Land Company, Petitioner. Permanent Parcel No. 08-19-200-012

Jerome R. Schmeiser, Community Planning Consultant, recommended that the final plat for Westminister Subdivision #2 be approved pursuant to the standard conditions of the Township.

Petitioner Present: Kevin Christiansen

Public Portion: None

MOTION by DUNN seconded by BUCCI to approve the Final Plat; Westminister Subdivision # 2. This approval is subject to the standard conditions of the Township as they apply to this proposal. Permanent Parcel No. 08-19-200-012

MOTION carried.

OLD BUSINESS:

21. **Extension of Time; Tentative Preliminary Plat; Pinnacle Farms Subdivision;** Located approximately ½ mile south of 23 Mile Road and approximately ¾ mile east of North Avenue; Landtec of Macomb, Petitioner. Permanent Parcel No.08-24-276-003. **(Expires February 25, 2006)**

Supervisor BRENNAN reviewed the request and recommended approval.

Petitioner: Not present

Public Portion: None

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MOTION by BUCCI seconded by MALBURG to approve the extension of time for the Tentative Preliminary Plat for Pinnacle Farms Subdivision from February 25, 2006 to February 25, 2007. Permanent Parcel No. 08-24-276-003.

MOTION carried.

NEW BUSINESS:

22. **Request to Schedule (Public Hearing Date for (January 23, 2005) to create the Special Assessment District for Street Lighting for Breton Woods Site Condominiums;** Located on the northeast corner of 25 Mile Road and Hayes Road; Elro Corporation, Petitioner. Permanent Parcel No. 08-06-300-034

Supervisor BRENNAN reviewed the request and recommended approval.

Petitioner Present: Daniel S. Spatafora

Public Portion: None

MOTION by KRZEMINSKI seconded by MALBURG to approve the request to schedule the public hearing date for January 23, 2005 for approval of the street lighting contract for Breton Woods Site Condominiums. Permanent Parcel No. 08-06-300-034.

MOTION carried.

23. **Stoneridge Subdivision Railroad Easement Agreement;** Located north of 21 Mile Road on the east side of Fairchild Road. Craig Duckwitz, Petitioner. Section 25. MA04-141.

Supervisor BRENNAN reviewed that this matter is regarding an easement agreement with the Stoneridge Subdivision which is a water and sewer easement being obtained from a railroad. Further, this is an agreement that the Township will enter into with the developers of the Stoneridge Subdivision.

Lawrence Dloski, Township Attorney, indicated that the matter has been reviewed and approved by his office and by the Township Engineers. Further, the matter was scheduled for this agenda for approval because it obligates the Township to defend and indemnify the railroad against any claims, liability, damages and expenses related to Township's use of the easement.

Petitioner Present: Craig Duckwitz

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Public Portion: None

MOTION by KRZEMINSKI seconded by BUCCI to approve the easement agreement for Stoneridge Subdivision. Section 25 MA04-141.

MOTION carried.

24. Approval of the 2006 Meeting Schedule for all Boards and Commissions.

Supervisor BRENNAN held further discussion with the members of the Board reviewing the 2006 Board and Commission meeting dates. After further discussion, it was determined that revisions are needed to the schedule as reflected in the following motions.

MOTION by BUCCI seconded by NEVERS to reschedule the Planning Commission Meeting of Tuesday, July 4, 2006 to Monday, July 3, 2006.

MOTION carried.

MOTION by KRZEMINSKI seconded by NEVERS to reschedule the Township Board of Trustees Meeting of Wednesday, January 25, 2006 to Monday, January 23, 2006.

MOTION carried.

MOTION by BUCCI seconded by NEVERS to reschedule the Township Board of Trustees Meeting of Wednesday, November 22, 2006 to Monday, November 27, 2006.

MOTION carried.

MOTION by KRZEMINSKI seconded by NEVERS to adopt the 2006 Boards and Commissions Meeting Scheduled as follows:

2006 BOARD AND COMMISSION MEETING SCHEDULE

Please Note: All regular scheduled meetings begin at 7:00 p.m.
(Dates may change due to Holidays)

PLANNING COMMISSION BOARD meetings are held on the 1ST and 3RD TUESDAY of every month.

| | | | |
|-----------|------------------------------------|---------|------------------------------------|
| January: | 3 rd , 17 th | July: | 3 rd , 18 th |
| February: | 7 th , 21 st | August: | 1 st , 15 th |

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| | | | |
|--------|------------------------------------|------------|------------------------------------|
| March: | 7 th , 21 st | September: | 5 th , 19 th |
| April: | 4 th , 18 th | October: | 3 rd , 17 th |
| May: | 2 nd , 16 th | November: | 7 th , 21 st |
| June: | 6 th , 20 th | December: | 5 th , 19 th |

TOWNSHIP BOARD OF TRUSTEES meetings are held on the 2ND and 4TH WEDNESDAY of every month.

| | | | |
|-----------|-------------------------------------|------------|-------------------------------------|
| January: | 11 th , 23 rd | July: | 12 th , 26 th |
| February: | 8 th , 22 nd | August: | 9 th , 23 rd |
| March: | 8 th , 22 nd | September: | 13 th , 27 th |
| April: | 12 th , 26 th | October: | 11 th , 25 th |
| May: | 10 th , 24 th | November: | 8 th , 27 th |
| June: | 14 th , 28 th | December: | 13 th , 27 th |

ZONING BOARD OF APPEALS meetings are held on the 2ND TUESDAY of every other month.

| | | | |
|----------|------------------|------------|------------------|
| January: | 10 th | July: | 11 th |
| March: | 14 th | September: | 12 th |
| May: | 9 th | November: | 14 th |

MOTION carried.

25. Model Permits; Sec. 6; Breton Woods Site Condominiums; Lot Numbers 1,2,55 and 56. Elro Corporation, Petitioner.

Supervisor BRENNAN reviewed the request and recommended approval.

Petitioner Present: Daniel S. Spatafora

Public Portion: None

MOTION by BUCCI seconded by KRZEMINSKI to approve the Model Permits for Breton Woods Site Condominiums specifically for lot numbers 1,2,55 and 56. Section 6

MOTION carried.

26. Request for the Township Attorney to Initiate the Condemnation Proceedings; 24 Mile Sanitary Sewer Job No. MA04-025

Lawrence Dloski, Township Attorney, indicated that he has not reviewed the matter. However, he has had conversations with Mr. Daniel S. Spatafora, the

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petitioner with regard to the procedure. Further, that the developers are responsible for the costs incurred in the condemnation action.

David Koss, Water and Sewer Department Superintendent, indicated that the proposal relates to a trunkline sanitary sewer running along the road right-of-way. Further, that the owner does not want to grant an easement to the Township and this trunkline is needed for the Township to service that area for sanitary sewer.

Petitioner Present: Daniel S. Spatafora

Public Portion: None

MOTION by DUNN seconded by BUCCI to approve the request to authorize the Township Attorney to Initiate the Condemnation Proceedings; 24 Mile Sanitary Sewer Job No. MA04-025

MOTION carried.

27 Clinton River Watershed Council 2006 Membership Dues Request

Supervisor BRENNAN reviewed the annual Clinton River Watershed Council membership fee dues.

Public Portion: None

MOTION by KRZEMINSKI seconded by MALBURG to pay the annual Clinton River Watershed Council 2006 Membership Dues in the amount of Five Thousand Dollars and 00/100 (\$5,000.00).

MOTION carried.

BROADCAST MEDIA DEPARTMENT:

28. Permission to seek proposals for a CCTV security system

James Gillis, Broadcast Media Manager, reviewed the request.

Public Portion: None

MOTION by KRZEMINSKI seconded by BUCCI to authorize James Gillis, Broadcast Media Manager to initiate the bid specification to install indoor and outdoor CCTV camera systems and digital video recorders at Macomb Township Facilities and Parks.

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MOTION carried.

HUMAN RESOURCE DEPARTMENT:

29. Annual Salary Review for Non-Represented Positions, Boards & Commissions, and Legal Representation

John Brogowicz, Human Resource Director, reviewed the request.

Public Portion: None

MOTION by BUCCI seconded KRZEMINSKI to follow the recommendation of the Human Resource Director increasing salaries for certain positions in the amount of three percent (3%). This amount is consistent with raises afforded to our employees covered under our four (4) collective bargaining agreements as well as those provided by neighboring communities. The compensation increase for 2006 is as follows:

| <u>Township Board of Trustees</u> | <u>Present</u> | <u>Increase</u> |
|-----------------------------------|----------------------------------|----------------------------------|
| Supervisor | \$74,263.00 | \$76,491.00 |
| Clerk | \$68,959.00 | \$71,028.00 |
| Treasurer | \$68,959.00 | \$71,028.00 |
| Trustees | \$7,851.00 plus \$125.00/Mtg. | \$8,087.00 plus \$125.00/Mtg. |
| <u>Deputies</u> | <u>Present</u> | <u>Increase</u> |
| Clerk | \$57,595.00 | \$59,323.00 |
| Treasurer | \$57,595.00 | \$59,323.00 |
| <u>Non-Represented Employees</u> | <u>Present</u> | <u>Increase</u> |
| Fire Chief* | \$80,000.00 | \$81,036.00 |
| Human Resource Director | \$78,676.00 | \$81,036.00 |

MOTION carried.

30. Recommendation for Official & Appointee Retiree Medical Service Credit

John Brogowicz, Human Resource Director, reviewed the request.

Public Portion: None

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Lawrence Dloski, Township Attorney, indicated that he is not in agreement with the recommendation to handle the Deputy Officials on a case by case basis, because of litigation in other communities. Further, that the Township should have an established policy adopted in writing dealing with Deputy Officials and Elected Officials with regard to the type of employment they have with the Township.

MOTION by KRZEMINSKI seconded by BUCCI to table the request until an established policy in writing can be provided to the Board of Trustees for their consideration and adoption.

MOTION carried.

Addition:

30a. Request for a Medical Leave of Absence from the Water & Sewer Department

John Brogowicz, Human Resource Director, reviewed the request.

Public Portion: None

MOTION by KRZEMINSKI seconded by NEVERS to approve the Medical Leave of Absence for Salvatore Maniaci, Utility Worker for the Township Water & Sewer Department who has been currently under doctor's care since November 29, 2005 and will return to work on or after January 16, 2006 pursuant to the Collective Bargaining Agreement between the Township and AFSCME Local 1103-C.

MOTION carried.

Addition:

30b. Request for a Personal Leave of Absence for the Fire Department

John Brogowicz, Human Resource Director, reviewed the request.

Public Portion: None

MOTION by DUNN seconded by KRZEMINSKI to approve the Personal Leave of Absence for David Nowak, Paid-on-Call Fire Fighter for the Macomb Township Fire Department who has been placed on an out-of-state assignment by his employer and will not be available to respond when called until March of 2006. The leave of absence will begin January 4, 2006 and end February 28, 2006 pursuant to the Collective Bargaining

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**Agreement (CBA) between the Township and Macomb Township Fire
Fighters Associations.**

MOTION carried.

Addition:

30c. Request for a Personal Leave of Absence from the Fire Department

John Brogowicz, Human Resource Director, reviewed the request.

Public Portion: None

**MOTION by DUNN seconded by KRZEMINSKI to approve the Personal
Leave of Absence for David Tietze, Paid-on-Call Fire Fighter for the
Macomb Township Fire Department which will begin December 30, 2005
and end June 30, 2006 and will return to active duty on July 1, 2006
pursuant to the Collective Bargaining Agreement (CBA) between the
Township and Macomb Township Fire Fighters Associations.**

MOTION carried.

Addition:

30d. Request for a Personal Leave of Absence from the Fire Department

John Brogowicz, Human Resource Director, reviewed the request.

Public Portion: None

**MOTION by DUNN seconded by NEVERS to approve the Personal Leave of
Absence Request for James Gallagher, Paid-on-Call Fire Fighter for the
Macomb Township Fire Department which will begin January 6, 2006 and
end July 5, 2006 and will return to active duty on July 6, 2006 pursuant to
the Collective Bargaining Agreement (CBA) between the Township and
Macomb Township Fire Fighters Associations.**

MOTION carried.

PARKS AND RECREATION DEPARTMENT:

31. Michigan Recreation Parks Association Conference

Salvatore DiCaro, Parks & Recreation Director, reviewed that Parks and
Recreation Department's request for permission to allow the members of the

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department to attend the annual Michigan Recreation and Parks Association Conference in Detroit from February 14th – 17th, 2006.

The costs involved are conference registration (range -- \$99.00 per day to \$289.00 full conference) and rooms (\$119.00 per night).

Public Portion: None

MOTION by DUNN seconded by NEVERS to approve the request and authorize Salvatore DiCaro, Parks & Recreation Director, to determine the members of the Parks & Recreation Department that will attend the annual Michigan Recreation and Parks Association Conference in Detroit from February 14th – 17th, 2006 for the total cost not to exceed Two Thousand Five Hundred Dollars and 00/100 (\$2,500.00) for registration and lodging. Meals and Mileage will be reimbursed pursuant to the Township Policy.

MOTION carried.

WATER & SEWER DEPARTMENT:

32. Request to Pay Certificate # 6, 23 Mile Road Sanitary Sewer (N.Ave west 1,800') Contract 1, MA03-015, L. D'Agostini & Sons, Inc.

David Koss, Water & Sewer Department Superintendent, reviewed the request.

Public Portion: None

MOTION by BUCCI seconded by KRZEMINSKI to approve the payment of Pay Certificate #6, 23 Mile Road Sanitary Sewer (North Avenue west 1,800') for the total cost of Two Hundred Ninety Eight Thousand Seven Hundred Twenty Two dollars and 00/100 (\$298,722.00) Contract 1, MA03-015 L. D'Agostini & Sons, Inc.

MOTION carried.

33. Request to Pay Certificate # 1, 23 Mile Road Water Main (The Rivers Estates to the North Branch of the Clinton River). MA04-013, Pamar Enterprises.

David Koss, Water & Sewer Department Superintendent, reviewed the request.

Public Portion: None

MOTION by KRZEMINSKI seconded by MALBURG to approve the payment of Pay Certificate # 1, 23 Mile Road Water Main (The Rivers Estates to the

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North Branch of the Clinton River) for the total cost of Eleven Thousand Eight Hundred Seventy Five Dollars and 00/100 (\$11,875.00) MA04-013, Pamar Enterprises.

MOTION carried.

- 34. Purchase Requisition Request
 - A. SLC Meter Service

David Koss, Water & Sewer Department Superintendent, reviewed the request.

Public Portion: None

MOTION by DUNN seconded by NEVERS to approve the SLC Meter Service purchase requisition request for Meters & Customer Install for the total cost of Fifty One Thousand Four Hundred Seventy Four Dollars and 00/100 (\$51,474.00).

MOTION carried.

BOARD COMMENTS:

- 35. Supervisor Comments:

Addition:

- 35a. Board Re-Appointments

Supervisor BRENNAN reviewed the appointments.

Public Portion: None

MOTION by DUNN seconded by MALBURG to re-appoint Planning Commission Chairman Edward Gallagher for a three year term from December 31, 2005 to December 31, 2008.

MOTION carried.

MOTION by MALBURG seconded by DUNN to re-appointment Dominic D. Geric, Jeffery English and Kathy Catanzaro, members of the Board of Review for one year term from January 1, 2006 to December 31, 2006.

MOTION carried.

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MOTION by BUCCI seconded by DUNN to re-appoint Victoria Selva to the Zoning Board of Appeals for a three year term from December 31, 2005 to December 31, 2008.

MOTION carried.

MOTION by KRZEMINSKI seconded by BUCCI to appoint Richard Williams Fire Department Sergeant to the Act 345 Fire Pension System to fill the term of previous employee Raymond Ahonen from November 30, 2005 to November 30, 2009.

MOTION carried.

Addition:

35b. Procedures for Agendas

Supervisor BRENNAN indicated this matter is at the request from the Board of Trustees which has been researched by the Township Attorney. Mr. BRENNAN reviewed that the Board has the ability to appoint an individual responsible for reviewing all the items going on agendas prior to the agenda being set and suggested that he be appointed for this matter.

Lawrence Dloski, Township Attorney, indicated that there is no statute which authorizes or requires any particular elected official to prepare agendas or to approve agendas or put anything on the agendas. In fact there's no statutory requirement to even have agendas. It is customarily done, and is provided as a convenience for the audience and the Township Board of Trustees.

Typically the Board of Trustees adopts a resolution appointing an individual to prepare the agendas, to process the agendas and to make sure that they are distributed.

Public Portion: None

MOTION by BUCCI seconded by KRZEMINSKI to appoint John D. Brennan, Township Supervisor, as the elected official responsible for reviewing all the items going on agendas prior to the agenda being set.

MOTION carried.

36. Clerk Comments: None

37. Treasurer Comments: Marie Malburg, Township Treasurer, wished everyone a Happy New Year.

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38. Trustees Comments: Trustee KRZEMINSKI also wished everyone a Happy New Year.

EXECUTIVE SESSION:

MOTION by BUCCI seconded by KRZEMINSKI to adjourn into Executive Session at 8:22 p.m.

MOTION carried. The Members of the Board reconvened at 8:42 p.m.

39. DDMR v Macomb Township

MOTION by KRZEMINSKI seconded by DUNN to reject the DDMR Consent Judgment v Macomb Township and authorize the Township Attorney to defend the lawsuit.

MOTION carried.

40. Macomb Development Association v Macomb Township

Informational only no action taken.

ADJOURNMENT:

MOTION by BUCCI seconded by KRZEMINSKI to adjourn the meeting at 8:43 p.m.

MOTION carried.

Respectfully submitted,

John D. Brennan, Supervisor

Michael D. Koehs, CMC
Macomb Township Clerk
MDK/gmh